

DETAILED ACTION

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

- Claims 26-30 have been canceled.
- In claim 21, "in any one" is inserted between "films" in line 1 and "of"; "and sodium cation" inserted between "carrageenan" and "and" in line 3; " wherein the film has a solids content of at least 50% based on all the components in the gel film and has a break force of at least 1,500 grams." is inserted at the end of line 10 [in item (ii)]
- In claims 24 and 31, "one" is inserted between "of any" and "of" in line 2
- In claim 42 insert ", sodium cation," between "flavorant" and "water" in line 2.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: Applicants' declaration submitted November 16, 2009 was found to be persuasive. Briefly, applicants demonstrated that the kappa-2 carrageenan as compared to a physical blend of kappa carrageenan and iota carrageenan in a film formulation had better flow

properties than the physical blend. In addition, the kappa-2 carrageenan also produced a film composition that remained soft upon cooling, while the physical blend was rigid and unable to flow. These data demonstrate the non-obviousness of exchanging kappa-2 carrageenan for a physical blend of kappa carrageenan and iota carrageenan in a film formulation, given its distinct and more desirable properties.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARALYNNE HELM whose telephone number is (571)270-3506. The examiner can normally be reached on Monday through Friday 9-5 (EDT).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax can be reached on 571-272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Caralynne Helm/
Examiner, Art Unit 1615

/Robert A. Wax/
Supervisory Patent Examiner, Art Unit 1615